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9 *Henry Grant, Jonathan Rivera,*  
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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 DAVID LEVOYD REED,

15 Plaintiff,

16 v.

17 JAMES DZURENDA, *et al.*,

18 Defendants.

19 Case No. 2:19-cv-00326-JAD-BNW

20

21 **DEFENDANTS' MOTION FOR AN  
EXTENSION OF TIME TO  
RESPOND TO PLAINTIFF'S  
MOTION FOR A STAY OR  
ALTERNATIVELY AN EXTENSION  
AND OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT  
(ECF NOS. 70 & 73)<sup>1</sup>**

22 Defendants, Henry Grant, Jonathan Rivera, Guy Brown, Aaron Dicus, Brandon  
23 Stubbs, and Patrick Moreda, by and through counsel, Aaron D. Ford, Nevada Attorney

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27 <sup>1</sup> Filings number 70 and 73 appear to be identical as both request a stay of  
28 discovery, alternatively an extension, and an opposition to Defendants' motion for  
summary judgment. ECF Nos. 70 and 73. In compliance with Local Rule IC 2-2,  
Defendants will file this opposition twice. Once in response to ECF No. 70 and once in  
response to ECF No. 73.

1 General, and Katlyn M. Brady, Senior Deputy Attorney General, of the State of Nevada,  
2 Office of the Attorney General, hereby request this Court grant Defendants a short  
3 extension to respond to Plaintiff's motions for a stay or alternatively an extension of time  
4 or to deny Defendants' motion for summary judgment. ECF No. 70

5 **I. BACKGROUND**

6 On January 21, 2021, Defendants filed a motion for summary judgment. ECF No. 63.  
7 On January 27, 2021, Plaintiff filed two omnibus motion requesting: (1) the denial of  
8 Defendants' motion for summary judgment, (2) that this matter be stayed until he is  
9 released from incarceration, (3) an extension of time to conduct discovery, (4) grant an  
10 injunction releasing Plaintiff from incarceration, and (5) the issuances of five subpoenas  
11 that do not appear to be related to the pending matter. ECF No. 70.

12 Plaintiff previously received an extension of time to conduct discovery. ECF No. 48.  
13 Despite this, Plaintiff never propounded discovery on the named Defendants. Plaintiff now  
14 seeks to serve several subpoenas on non-parties, seeking deposition testimony, video  
15 unrelated to this matter, and documents related to another civil case. ECF No. 70-1,2,3,4,5.  
16 This Court set a hearing for March 4, 2021. ECF No. 75.

17 Defendants now seek a short extension to respond to this wide-ranging motion.

18 **II. LEGAL ARGUMENT**

19 Rule 6(b)(1), Federal Rules of Civil Procedure, governs extensions of time  
20 and states:

21 When an act may or must be done within a specified time, the  
22 court may, for good cause, extend the time: (A) with or without  
23 motion or notice if the court acts, or if a request is made, before  
24 the original time or its extension expires; or (B) on motion made  
25 after the time has expired if the party failed to act because of  
26 excusable neglect.

27 Defendants respectfully request this Court extend the deadline to file an opposition  
28 to Plaintiff's omnibus motion from February 10, 2021, to February 22, 2021. Here, good  
cause exists based upon counsel's heavy caseload and upcoming leave. Specifically,  
counsel has been required to complete four summary judgment motions over the last

1 three weeks.<sup>2</sup> Upon counsel's return from leave, counsel will have an additional two  
 2 motions for summary judgment due.<sup>3</sup> Further, counsel has been involved in responding to  
 3 two emergency motions regarding High Desert State Prison (HDSP)'s lockdown  
 4 procedures.<sup>4</sup> Finally, counsel is scheduled to go on approved leave from February 8, 2021,  
 5 to February 12, 2021. The following Monday, February 15, 2021, is a State Holiday and  
 6 thus counsel's office will be closed. As a result of the multiple dispositive motions, counsel  
 7 has been unable to complete the opposition to the omnibus motion.<sup>5</sup>

8 Further, there will be no prejudice to Plaintiff by granting this extension.  
 9 Defendants request this Court extend the deadline to respond to February 22, 2021. This  
 10 gives Plaintiff a week to respond to the opposition. Plaintiff will be able to respond prior  
 11 to the March 4, 2021 hearing if he chooses.

12 **III. CONCLUSION**

13 Defendants respectfully request this Court extend the deadline to respond to the  
 14 omnibus motions from February 10, 2021, to February 22, 2021. Good cause exists based  
 15 on counsel's heavy caseload and upcoming leave.

16 DATED this 8th day of February, 2021.

17 ORDER

AARON D. FORD  
Attorney General

18 **IT IS SO ORDERED**

19 **DATED:** 11:38 am, February 16, 2021

By: /s/ Katlyn M. Brady  
KATLYN M. BRADY (Bar No. 14173)  
Senior Deputy Attorney General

21 *Attorneys for Defendants*

22 **BRENDA WEKSLER**  
**UNITED STATES MAGISTRATE JUDGE**

24 <sup>2</sup> The cases are: 2:17-cv-00641-JCM-BNW, 2:17-cv-00431-JCM-VCF, 2:17-cv-02500-  
JCM-NJK, 2:19-cv-00326-JAD-BNW, and 2:17-cv-00641-JCM-BNW.

25 <sup>3</sup> 2:19-cv-00057-GMN-EJY and 2:18-cv-01078-JCM-EJY.

26 <sup>4</sup> 2:20-cv-01768-RFB-EJY and 2:20-cv-00518-RFB-VCF. At least one of these  
preliminary injunctions is related to Bonham's filings in a federal matter.

27 <sup>5</sup> Defendants do not oppose granting Plaintiff a reasonable extension to file an  
opposition to the motion for summary judgment. However, Defendants intend to oppose  
the request for a stay, additional discovery, Plaintiff's release, and the attached  
subpoenas. Defendants likewise intend to file a reply in support of Defendants' motion for  
summary judgment.